

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rebecca Ho	Team: Squad #6	CCRB Case #: 201602370	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Friday, 03/11/2016 3:45 AM	Location of Incident: 69th Precinct stationhouse and § 87(2)(b) Hospital	Precinct: 69	18 Mo. SOL 9/11/2017	EO SOL 9/11/2017	
Date/Time CV Reported Fri, 03/11/2016 10:59 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 03/21/2016 10:57 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. Officer(s)			069 PCT
2. POM Christopher Doll	00221	931639	069 PCT
3. SGT Dana Martillo	02415	945954	069 PCT
4. POM Evens Pierre-Louis	08055	934064	069 PCT
5. POM Robert Gallagher	14960	957611	069 PCT
6. POM Lawrence Desilva	03878	949857	069 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Kiada Moragne	03286	947272	069 PCT
2. POF Stephanie Toussaint	11464	958129	069 PCT
3. POM Haris Feratovic	18161	958579	069 PCT
4. POM Ernst Midy	18214	958931	069 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Lawrence Desilva	Discourtesy: At the 69th Precinct stationhouse, Police Officer Lawrence DeSilva spoke discourteously to § 87(2)(b) § 87(2)(b)	
B.POM Lawrence Desilva	Abuse: At the 69th Precinct stationhouse, Police Officer Lawrence DeSilva threatened § 87(2)(b) with the use of force.	
C.POM Lawrence Desilva	Force: At the 69th Precinct stationhouse, Police Officer Lawrence DeSilva used physical force against § 87(2)(b) § 87(2)(b)	
D.POM Robert Gallagher	Force: At the 69th Precinct stationhouse, Police Officer Robert Gallagher used physical force against § 87(2)(b) § 87(2)(b)	
E.POM Evens Pierre-Louis	Force: At the 69th Precinct stationhouse, Police Officer Evens Pierre-Louis used physical force against § 87(2)(b) § 87(2)(b)	
F. Officer(s)	Abuse: At the 69th Precinct stationhouse, an officer strip-searched § 87(2)(b) § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
G.SGT Dana Martillo	Force: At the 69th Precinct stationhouse, Sergeant Dana Martillo used physical force against § 87(2)(b)	
H.POM Christopher Doll	Force: At § 87(2)(b) Hospital in Brooklyn, Police Officer Christopher Doll used physical force against § 87(2)(b)	

### Case Summary

This case is being submitted past the ninety-day deadline because as a result of this incident, § 87(2)(b) While incarcerated, § 87(2)(b) s attorney did not permit § 87(2)(b) to provide any statements. § 87(2)(b)

On March 11, 2016, Sgt. Dana Martillo of the 69<sup>th</sup> Precinct filed this complaint via IAB, which generated log no. 16-9539 [referral NYPD 10]. It was received at the CCRB on March 21, 2016.

On March 11, 2016, § 87(2)(b) and his girlfriend § 87(2)(b) were involved in a domestic incident at § 87(2)(b) in Brooklyn and arrested by PO Evens Pierre-Louis. § 87(2)(b) was transported directly to § 87(2)(b) Hospital while PO Pierre-Louis and his partner PO Stephanie Toussaint transported § 87(2)(b) back to the 69<sup>th</sup> Precinct stationhouse. At the front desk of the stationhouse, PO Lawrence DeSilva watched over § 87(2)(b) while PO Pierre-Louis filled out § 87(2)(b) s pedigree card. § 87(2)(b) alleged PO DeSilva stated, “You’s a bitch” (**Allegation A**), and also stated he wanted to “fuck” him up (**Allegation B**). § 87(2)(b) observed PO DeSilva take a step towards him so § 87(2)(b) kicked at PO DeSilva but PO DeSilva caught § 87(2)(b) s foot. PO DeSilva, PO Pierre-Louis, and PO Robert Gallagher allegedly grabbed § 87(2)(b) by his shoulders and arms and brought him face-down to the ground (**Allegations C, D, and E**). While on the ground, § 87(2)(b) felt pain to his right forearm. § 87(2)(b) s pockets were searched and an officer allegedly placed his knee on § 87(2)(b) s back as the officer searched the crack of § 87(2)(b) s buttocks (**Allegation F**). § 87(2)(b) denied any drugs being found on his person [property vouchers NYPD 23]. Afterwards, § 87(2)(b) was seated on the ground and he alleged Sgt. Martillo stood on the chain of his handcuffs to keep him on the ground (**Allegation G**). § 87(2)(b) was placed in a mesh restraint blanket by an ESU crew and transported via ambulance to § 87(2)(b) Hospital [ESU report NYPD 19]. § 87(2)(b) s right arm was fractured and placed in a cast [Privileged]. Upon being discharged from the hospital, § 87(2)(b) alleged PO Christopher Doll pushed him to the ground, causing him to land on his back (**Allegation H**). § 87(2)(b) allegedly struck PO Doll on the head with his cast. § 87(2)(b) was processed for two additional arrests for assaulting PO DeSilva and PO Doll [arrest reports NYPD 17]. PO DeSilva refused medical attention and was out line of duty for a week and a half; PO Doll was transported by ambulance to § 87(2)(b) Hospital and did not go line of duty [LODs NYPD 18].

There is no video footage regarding this incident. The case was initially assigned to Investigator Sonia Landino on March 22, 2016. It was subsequently assigned to the undersigned investigator on June 10, 2016.

### Mediation, Civil and Criminal Conviction Histories

- As § 87(2)(b) was arrested and sustained injuries, this case was not suitable for mediation.
- On July 10, 2016, a request to determine if a Notice of Claim was filed was submitted; confirmation from the Office of the Comptroller will be forwarded upon receipt.
- § 87(2)(b)
- § 87(2)(b)
- § 87(2)(b)

- § 87(2)(b)
- § 87(2)(b)

### Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) [BR 14].
- PO Lawrence DeSilva has been a member of the service for 5 years; there are 9 CCRB allegations against him none of which have been substantiated.
  - § 87(2)(b)
  - In 201308861, an allegation of threat of arrest was closed as complainant uncooperative.
  - In case 201611541, allegations of threat of arrest, threat of force, offensive language (sexual orientation), frisk, and search were withdrawn.
  - In case 201509896, an allegation of physical force was closed as complainant uncooperative.
- PO Evens Pierre-Louis has been a member of the service for 12 years and there are no substantiated CCRB allegations against him.
  - There is one allegation against him; in case 201110015, an allegation of force was closed as complainant uncooperative.
- PO Robert Gallagher has been a member of the service for 1 year and this is the first CCRB allegation against him.
- Sgt. Dana Martillo has been a member of the service for 8 years and there are no substantiated CCRB allegations against her.
  - There is one allegation against her; in case 201107030, an allegation of force was exonerated.
- PO Christopher Doll has been a member of the service for 13 years and there is 1 substantiated CCRB allegation against him:
  - There are four allegations against him; in case 201509910, an allegation of force was unsubstantiated. In case 200508142, a discourtesy allegation was withdrawn. In case 201509910, a discourteous action was exonerated.
  - In case 201509910, an allegation of offensive language (gender) was substantiated; formalized training was recommended and the NYPD has not yet reached a disposition.

### Finding and Recommendations

#### Allegations Not Pleaded

- **Forcible removal to § 87(2)(b) Hospital:** Although there is documentation that § 87(2)(b) was removed from the 69<sup>th</sup> Precinct stationhouse by ESU in a mesh-restraint blanket, § 87(2)(b) did not mention in any testimony to IAB or the CCRB that he was removed in a non-lethal restraining device to § 87(2)(b) Hospital.
- **Refusal to process a civilian complaint against officers:** § 87(2)(b) alleged that after he

was discharged from the hospital and returned to the 69<sup>th</sup> Precinct stationhouse, officers told him he could not file a complaint against officers because he was arrested. While still at the stationhouse, § 87(2)(b) was interviewed by IAB regarding the incident.

- **Offensive language:** § 87(2)(b) alleged in his telephone statement that PO DeSilva stated, “You a bitch nigga.” As § 87(2)(b) did not make allege this in his formal testimony, it has not been pleaded.

### **Recommendations**

- **Allegation A: Abuse of Authority – At the 69<sup>th</sup> Precinct stationhouse, Police Officer Lawrence DeSilva spoke discourteously to § 87(2)(b)**
- **Allegation B: Abuse of Authority – At the 69<sup>th</sup> Precinct stationhouse, Police Officer Lawrence DeSilva threatened § 87(2)(b) with the use of force.**

§ 87(2)(b) testified that that while PO Pierre-Louis was filling out his pedigree card, PO DeSilva stood guard over him [BR 02]. During that time, § 87(2)(b) alleged PO DeSilva said to him, “You’s a bitch,” and threatened to “fuck” him up.

PO DeSilva denied making the alleged statements to § 87(2)(b) and did not threaten § 87(2)(b) with the use of force [BR 04]. PO Pierre-Louis [BR 07], Sgt. Martillo [BR 05], PO Toussaint [BR8], PO Gallagher [BR 10], and Sgt. Moragne [BR 12] were in the stationhouse lobby at the time with PO DeSilva and § 87(2)(b) and they each denied hearing PO DeSilva make the alleged comments to § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

- **Allegation C: Force – At the 69<sup>th</sup> Precinct stationhouse, Police Officer Lawrence DeSilva used physical force against § 87(2)(b)**
- **Allegation D: Force – At the 69<sup>th</sup> Precinct stationhouse, Police Officer Robert Gallagher used physical force against § 87(2)(b)**
- **Allegation E: Force – At the 69<sup>th</sup> Precinct stationhouse, Police Officer Evens Pierre-Louis used physical force against § 87(2)(b)**
- **Allegation G: Force – At the 69<sup>th</sup> Precinct stationhouse, Sergeant Dana Martillo used physical force against § 87(2)(b)**

On March 11, 2016, § 87(2)(b) was interviewed by IAB at the 69<sup>th</sup> Precinct stationhouse [NYPD 08]. § 87(2)(b) stated he had taken “two sips” of vodka and was not intoxicated prior to the arrival of § 87(2)(b) took his cellphone and ran outside to call the police. § 87(2)(b) alleged § 87(2)(b) shut his right forearm in the door, but he did not believe she fractured his right forearm. After § 87(2)(b) was arrested and transported to the 69<sup>th</sup> Precinct stationhouse, § 87(2)(b) felt threatened when PO DeSilva kept flinching towards him so he put his leg up to stop PO DeSilva. PO DeSilva “threw” § 87(2)(b) to the ground, which is how § 87(2)(b) believed he fractured his right arm. PO DeSilva pushed his knee into § 87(2)(b) and held his face down to the ground. When the officers sat § 87(2)(b) up, Sgt. Martillo stood on his handcuffs to keep him on the ground.

§ 87(2)(b) provided a telephone statement to the CCRB on April 12, 2016 [BR 01]. § 87(2)(b) alleged that while he was placed face-down on the ground, Sgt. Martillo stepped on his handcuffs. Afterwards, § 87(2)(b) was picked up from the ground and transported to § 87(2)(b) Hospital because he complained of pain to his hands.

§ 87(2)(b) was interviewed via VTC on May 5, 2016 [BR 02]. During § 87(2)(b)'s physical dispute with § 87(2)(b) she scratched him and he ran outside to call for help. § 87(2)(b) denied being under the influence of alcohol and other substances, but noted § 87(2)(b) had been drinking. When officers came to help § 87(2)(b) and found § 87(2)(b) inside his apartment, she alleged § 87(2)(b) had done something to her. § 87(2)(b) contested this as he was locked out of his home and alleged § 87(2)(b) injuries were self-inflicted. § 87(2)(b) denied any incidents involving officers occurring at his home or en-route to the stationhouse. § 87(2)(b) explained that while he was standing at the front desk waiting for PO Pierre-Louis to fill out his pedigree card, he observed PO DeSilva take a step towards him. § 87(2)(b) interpreted PO DeSilva's action to be threatening so he kicked at PO DeSilva to block any actions he believed PO DeSilva was going to make. PO DeSilva caught § 87(2)(b)'s foot; § 87(2)(b)'s kick did not impact PO DeSilva. PO DeSilva, PO Pierre-Louis, and PO Robert Gallagher allegedly grabbed § 87(2)(b) by his shoulders and arms and brought him face-down to the ground, pressing him down by his arms and shoulders. While on the ground, § 87(2)(b) felt pain to his right forearm. Afterwards, § 87(2)(b) was seated on the ground and he alleged Sgt. Martillo stood on the chain of his handcuffs for one to two minutes to keep him on the ground. Sgt. Martillo told § 87(2)(b) the officers were not going to pick him up off the ground and instructed him to stop talking.

On March 11, 2016, § 87(2)(b) spoke with IAB in regards to § 87(2)(b)'s injuries [NYPD 26]. § 87(2)(b) stated that before the incident, § 87(2)(b) has always had pain in his arm, but never sought medical attention for it. § 87(2)(b) also noted that earlier the same day, § 87(2)(b) punched a hole in the wall of his apartment, which is how she believed § 87(2)(b) sustained the injury to his arm. § 87(2)(b) did not observe § 87(2)(b) injure his arm in police custody. When asked if § 87(2)(b)'s arm was caught in between the door, § 87(2)(b) stated she and § 87(2)(b) had been struggling in the doorway, and that § 87(2)(b) had kicked the door open.

PO Pierre-Louis stated he and PO Toussaint responded to a domestic incident earlier that evening where they found § 87(2)(b)'s upper body covered in scratches caused by § 87(2)(b) and § 87(2)(b) bleeding from stab wounds § 87(2)(b) inflicted with a screwdriver [BR 07]. § 87(2)(b) also alleged § 87(2)(b) threatened her with a knife, which PO Pierre-Louis then recovered from § 87(2)(b)'s bedroom. PO Pierre noticed holes in the walls of the apartment but did not know how recently they were made. PO Pierre-Louis handcuffed § 87(2)(b) on scene and transported him to the stationhouse. Upon placing § 87(2)(b) into the RMP, § 87(2)(b) kicked at the windows and seats of the vehicle, and stopped when PO Pierre-Louis instructed him to. While PO Pierre-Louis filled out a pedigree card for § 87(2)(b) PO DeSilva watched over § 87(2)(b) who was still handcuffed. § 87(2)(b) was standing behind PO Pierre-Louis, with PO DeSilva standing beside him. PO Pierre-Louis heard a commotion behind him, which he described as § 87(2)(b) being loud and asking the officers why he was being arrested. As PO Pierre-Louis turned around to tell § 87(2)(b) to be quiet, he observed § 87(2)(b) turn to face PO DeSilva, and forward-kick PO DeSilva in the left leg. PO DeSilva took a step back and held his leg. PO Pierre-Louis and Sgt. Martillo placed § 87(2)(b) down on the ground on his buttocks. PO Pierre-Louis did this by holding onto § 87(2)(b)'s legs and lifting them up and other officers lifted § 87(2)(b)'s upper body from behind and placing him down in this manner. Once § 87(2)(b) was on the ground, PO Pierre-Louis held onto § 87(2)(b)'s legs by his ankles. PO Pierre-Louis denied any additional physical force being used on § 87(2)(b) and did not hear § 87(2)(b) complain of any pain.

As per PO DeSilva, he has responded to § 87(2)(b)'s apartment about three times in the past regarding domestic violence incidents between § 87(2)(b) and § 87(2)(b) [BR 04]. PO DeSilva noted that on this occasion, PO Pierre-Louis and PO Toussaint requested Sgt. Martillo to the scene. § 87(2)(b) informed the officers that § 87(2)(b) had stabbed her with a knife, which they

recovered from under § 87(2)(b)'s bed. PO DeSilva observed other officers quickly frisk § 87(2)(b) before placing him in an RMP. While inside the RMP, § 87(2)(b) kicked at the windows, and Sgt. Martillo attempted to speak with him to calm him down. While PO Pierre-Louis was logging § 87(2)(b) in at the front desk, § 87(2)(b) was yelling that officers were “planting stuff” on him and told the officers not to touch him. When it was time to search § 87(2)(b), PO DeSilva instructed § 87(2)(b) to stand still, and § 87(2)(b) kicked PO DeSilva above the kneecap with his left leg. PO DeSilva's knee buckled but he caught his balance. PO DeSilva took hold of § 87(2)(b)'s arm to restrain him while PO Pierre-Louis grabbed § 87(2)(b)'s other arm. With the assistance of Sgt. Moragne, they placed § 87(2)(b) face-down on the ground for a few seconds before turning him over to sit him up. PO DeSilva and PO Pierre-Louis held § 87(2)(b)'s legs to prevent him from kicking and moving his body around. PO DeSilva did not remember if § 87(2)(b) stated he was in any pain. Sgt. Martillo stood behind § 87(2)(b) while PO DeSilva stood in front of § 87(2)(b) restraining his feet to prevent him from kicking officers. Though § 87(2)(b) never requested medical attention, ESU responded to transport § 87(2)(b) because the officers feared he would be a danger to himself and others on the way to the hospital.

Sgt. Martillo responded to § 87(2)(b)'s apartment to find § 87(2)(b)'s upper body covered in scratches and complaining of pain to his arm [BR 05]. § 87(2)(b) was bleeding with puncture wounds on her face and the back of her head. Sgt. Martillo noted there was a strong smell of alcohol emanating from § 87(2)(b) and § 87(2)(b). Sgt. Martillo was informed § 87(2)(b) alleged § 87(2)(b) had threatened her with a knife and stabbed her with a screwdriver. Sgt. Martillo heard § 87(2)(b) continue to complain about his arm pain, but she prioritized § 87(2)(b)'s injuries due to their severity. Once the alleged knife was found under the bed, § 87(2)(b) was arrested and transported to the stationhouse. Although § 87(2)(b) was cooperative upon being placed in handcuffs, once in the RMP, Sgt. Martillo was informed § 87(2)(b) became irate and threatened to kick out the RMP door. At the stationhouse, Sgt. Martillo observed § 87(2)(b) was still acting erratically. As PO Pierre-Louis stood at the front desk filling out paperwork with Sgt. Martillo, who stood behind the front desk, § 87(2)(b) lunged at PO DeSilva and began kicking at him an unknown amount of times. PO DeSilva fell down to the ground. PO Gallagher, PO Pierre-Louis, and PO DeSilva immediately placed § 87(2)(b) chest-down on the ground to maintain control of § 87(2)(b). Sgt. Martillo walked around the desk and grabbed § 87(2)(b)'s handcuffs and twisted them to maintain his compliance. Sgt. Martillo explained that tactically twisting the handcuffs engages the pressure points on one's wrists. Sgt. Martillo held her grip on § 87(2)(b)'s handcuffs for a few minutes until he calmed down enough for them to help him up from the ground into a sitting position, to prevent him from attacking another officer. Sgt. Martillo then called for ESU and EMS to respond. Sgt. Martillo placed her foot on the links of § 87(2)(b)'s handcuffs, to prevent him from standing and possibly attacking another officer, while she completed his arrest paperwork. Sgt. Martillo did this for less than thirty seconds. When ESU arrived, § 87(2)(b) was laid back down on the ground to be placed in a full-body mesh restraint blanket to be transported to the hospital.

As per PO Toussaint, when she arrived at § 87(2)(b)'s apartment, she observed the door was punched in from the outside [BR 08]. § 87(2)(b) had stated he injured his hand in the process of trying to open the apartment door, but did not remember how he sustained the injury. Inside the apartment, PO Toussaint found § 87(2)(b) with blood on her face, claiming § 87(2)(b) had stabbed her with a screwdriver. When PO Toussaint and PO Pierre-Louis were transporting § 87(2)(b) to the stationhouse, he was screaming and kicking the window. Upon arrival at the stationhouse, they escorted § 87(2)(b) to the front desk to be searched, and then PO Toussaint went back to the RMP to gather her things. PO Toussaint was gone for roughly one minute, and

when she returned, she observed § 87(2)(b) turn to the left and forward-kick PO DeSilva once in the knee. PO DeSilva stepped back, and then he and PO Pierre-Louis each grabbed § 87(2)(b) by the arms and pushed him to sit down on the ground. PO Gallagher stepped in and assisted in holding § 87(2)(b)'s legs down. PO Toussaint denied coming in physical contact with § 87(2)(b) during this incident.

As per PO Gallagher, he was working overtime processing an arrest the night before and was reentering the stationhouse after a smoke break when he observed through the doors of the stationhouse, § 87(2)(b) kick PO DeSilva [BR 10]. PO Gallagher was standing roughly twenty-five feet away at the time with nothing obstructing his view. PO Gallagher rushed over as he observed § 87(2)(b) kick PO DeSilva three more times, and grabbed § 87(2)(b) by the left arm to pull him away. PO DeSilva backed away two to three feet to step out of § 87(2)(b)'s range. PO DeSilva then grabbed onto § 87(2)(b)'s right arm and together, they led § 87(2)(b) down in a “guided trip backwards” to place him on the ground on his buttocks. PO Gallagher and PO DeSilva continued to hold § 87(2)(b) by his arms to restrain him from further movement. PO Pierre-Louis stepped in and held § 87(2)(b)'s ankles to prevent him from kicking the officers. § 87(2)(b) stopped resisting after a while and remained sitting on the ground until ESU arrived to remove him to the hospital.

As Sgt. Moragne was on duty as the desk officer, she observed § 87(2)(b) being escorted into the stationhouse by PO DeSilva and PO Pierre-Louis [BR 12]. While PO Pierre-Louis filled out § 87(2)(b)'s pedigree card at the front desk, § 87(2)(b) was loudly protesting his arrest. Sgt. Moragne explained that her visibility of § 87(2)(b) and the officers in front of her was limited to their upper bodies due to the height of the desk. Sgt. Moragne observed § 87(2)(b) lean forward towards PO DeSilva and heard the impact of a kick as PO DeSilva bent over. PO DeSilva pushed § 87(2)(b) away and § 87(2)(b) lost his balance, hitting the top of his head against the front desk. PO DeSilva used a bear-hug to subdue § 87(2)(b) as other officers gathered to assist and place § 87(2)(b) face-down on the ground. They then sat § 87(2)(b) up and kept him on the ground until ESU arrived. While they waited for ESU, Sgt. Martillo entered the stationhouse and stood on § 87(2)(b)'s handcuffs to keep him subdued on the ground. § 87(2)(b) complained his wrists were hurting, and Sgt. Martillo explained she was standing on his handcuffs. § 87(2)(b) asked Sgt. Martillo why she was standing on them, and she explained she was using reasonable force to gain his necessary compliance. Sgt. Martillo remained standing on the handcuff chain for approximately five minutes, until ESU arrived.

PO Pierre-Louis processed § 87(2)(b) for a second arrest, § 87(2)(b) for kicking PO DeSilva in the left leg [*arrest report* NYPD 17; *criminal court complaint* NYPD 25].

PO DeSilva's line of duty paperwork states he was kicked in his left leg during the search of § 87(2)(b) and complained of swelling to his left knee [NYPD 18]. Sgt. Martillo and PO Pierre-Louis provided witness statements and the paperwork was reviewed by Sgt. Moragne. According to PO DeSilva's AIDED report, he was treated by EMTs and refused further medical attention [*ibid*].

At 4:00 a.m., PO Pierre-Louis noted in a MTPR that § 87(2)(b) sustained multiple scratches to the face, was complained of pain to his right forearm, and was acting in an uncooperative manner [NYPD 24]. At 7:19 a.m., Dr. § 87(2)(b) noted § 87(2)(b) was calm and cooperative, and diagnosed § 87(2)(b)'s right arm pain as an ulna fracture.

The ACR notes of § 87(2)(b)'s medical records from § 87(2)(b) Hospital indicate he was admitted in a non-lethal mesh restraining blanket by NYPD [Privileged]. During § 87(2)(b)'s evaluation, he spat at Dr. § 87(2)(b) face. Dr. § 87(2)(b) noted § 87(2)(b)



§ 87(2)(b) informed hospital personnel his girlfriend § 87(2)(b) came to his apartment after being released from a two months of incarceration. § 87(2)(b) explained he has an order of protection against § 87(2)(b) for a past history of domestic abuse. § 87(2)(b) locked § 87(2)(b) out of his apartment and when he tried to open the door, she slammed his right hand in the door. According to PO Jude Dorema who escorted the ambulance from the 69<sup>th</sup> Precinct stationhouse to the hospital, § 87(2)(b) and § 87(2)(b) are known to the officers; § 87(2)(b) often spends the night with him, they have sex, and drink alcohol together. § 87(2)(b) reportedly drank 16oz of beer that day. An x-ray revealed a fractured ulna and § 87(2)(b)'s right arm was placed in a cast.

NYPD Patrol Guide §203-11 discusses the justification for the use of physical force by officers [BR 13]. It explains that an officer is able to use the necessary amount of physical force to overcome resistance in the course of effecting an arrest, preventing an escape, and in self-defense from what he or she reasonably believes to be the use or imminent use of physical force.

To IAB and hospital personnel, § 87(2)(b) admitted he had been drinking beer and hard liquor. § 87(2)(b) who did not provide a formal statement to the CCRB until nearly two months after the incident, denied having consumed any alcohol prior to the incident. § 87(2)(b) alleged to IAB that § 87(2)(b) slammed his right forearm in the door; § 87(2)(b) alleged § 87(2)(b) kicked the front door trying to get back in the apartment. PO Toussaint confirmed she observed a dent in the front door and that § 87(2)(b) complained he sustained pain to his arm trying to open the door; she could not remember how § 87(2)(b) stated he sustained the injury. § 87(2)(b) further alleged § 87(2)(b) punched a hole in the wall, which PO Pierre-Louis confirmed he observed. § 87(2)(b) added that § 87(2)(b) already suffered from arm pain prior to the incident. While on scene, Sgt. Martillo heard § 87(2)(b) complain of pain to his arm. Sgt. Martillo also noted she smelled alcohol emanating from § 87(2)(b).

§ 87(2)(b), § 87(2)(g)

[REDACTED]

§ 87(2)(b), § 87(2)(g)

[REDACTED]

• **Allegation F: Abuse of Authority – At the 69<sup>th</sup> Precinct stationhouse, an officer strip searched § 87(2)(b)**

In his statement to IAB, § 87(2)(b) stated officers had “set him up,” by saying drug paraphernalia had fallen out of his pocket when they placed him on the ground [NYPD 08]. § 87(2)(b) made no mention of an officer making skin-to-skin contact with his buttocks in an

attempt to find drug paraphernalia to IAB or in his telephone statement [BR 01]. In his testimony to the CCRB, § 87(2)(b) alleged that while he was on the ground, an officer inserted his hand into the back of § 87(2)(b)'s pants [BR 02]. There, the officer used his fingers to search the crack of § 87(2)(b)'s buttocks. While the unidentified officer conducted the search, Sgt. Martillo made comments to § 87(2)(b) about hiding drugs in his buttocks. § 87(2)(b) stated the officers allegedly found a “bundle of paraphernalia or dope” on him, but denied having any drugs on his person.

As per PO Pierre-Louis, when he escorted § 87(2)(b) to the front desk, he searched § 87(2)(b) [BR 07]. While extracting his hand from one of § 87(2)(b)'s pants pockets, PO Pierre-Louis' hand accidentally brought out a small package of heroin which fell to the ground. PO Pierre-Louis later picked up the package and vouchered it.

Sgt. Martillo observed a glassine envelope on the ground when § 87(2)(b) was lying on the ground [BR 05]. Although she did not see when it landed on the ground, she presumed it fell from one of his pants pockets when he was brought down to the ground. The contents of the envelope were later field-tested positive as heroin.

PO DeSilva [BR 04], PO Toussaint [BR 08], PO Gallagher [BR 10], and Sgt. Moragne [BR 12] were unaware if narcotics were recovered. Each officer denied coming into skin-to-skin contact with § 87(2)(b)'s buttocks and noted they did not observe another officer do so. All officers noted a strip search was never authorized and denied conducting a strip search of § 87(2)(b).

On property voucher no. § 87(2)(b) PO Pierre-Louis noted that a small packaging of heroin was found in § 87(2)(b)'s pants during an attempt to search him [NYPD 23]. In Sgt. Moragne's handwriting, the command log's entry for § 87(2)(b) does not note a strip search was conducted nor any contraband being found during PO Pierre-Louis' search at the front desk [NYPD 21].

§ 87(2)(b), § 87(2)(g)

• **Allegation H: Force – At § 87(2)(b) Hospital in Brooklyn, Police Officer Christopher Doll used physical force against § 87(2)(b)**

As per § 87(2)(b) when officers were preparing to transport him back to the 69<sup>th</sup> Precinct stationhouse from § 87(2)(b) Hospital, they handcuffed his left arm to his belt loop because his right arm was in a cast [BR 02]. Before leaving the hospital, § 87(2)(b) asked PO Doll for his shoes back, as he was only wearing a pair of hospital socks. PO Doll attempted to escort § 87(2)(b) out of the hospital, but § 87(2)(b) reiterated he was not going anywhere without putting his sneakers on. PO Doll attempted to grab § 87(2)(b)'s left shoulder with one hand, but § 87(2)(b) stepped out of his reach. When PO Doll attempted to do so again, § 87(2)(b) continued to evade him. PO Doll then placed both of his hands on § 87(2)(b)'s chest and forcefully pushed § 87(2)(b) backwards, causing § 87(2)(b) to land on his back. In an attempt to break his fall, § 87(2)(b) threw his left hand out to block his fall, which caused the handcuff to rip away from his belt. PO Doll continued to tell § 87(2)(b) he would not get his sneakers. § 87(2)(b) denied having struck PO Doll on the head with his cast. Other officers grabbed § 87(2)(b) while he was lying on the floor and stood him up.

PO Doll recalled that § 87(2)(b)'s arm was placed in a cast at § 87(2)(b) Hospital [BR 03]. After § 87(2)(b) was discharged, PO Doll removed the handcuffs securing § 87(2)(b) at the time to replace them with his handcuffs. As per protocol, since PO Doll could not rear-cuff both of § 87(2)(b)'s arms, PO Doll handcuffed § 87(2)(b)'s free arm to the belt loop

at the back of his pants. § 87(2)(b) complained that he did not like the way he was handcuffed and began to get loud and belligerent. § 87(2)(b) asked PO Doll for his sneakers, and PO Doll showed § 87(2)(b) that PO Feratovic had them, and that the socks with grips on them were fine. § 87(2)(b) informed PO Doll he was not going anywhere without his sneakers. While PO Doll was standing behind § 87(2)(b) began squirming and pushing his body back against PO Doll as he refused to leave the hospital. PO Doll went in front of § 87(2)(b) in an attempt to control him, and gave a “little push” to § 87(2)(b)’s chest with one hand and § 87(2)(b) fell to the floor. PO Doll fell on top of § 87(2)(b) and they were facing each other. PO Doll quickly rolled off of § 87(2)(b) but § 87(2)(b) rolled on top of him and took two swings with both hands. On the second swing, § 87(2)(b) struck PO Doll on the top of his head with the cast. PO Feratovic pulled § 87(2)(b) off of PO Doll and they were able to restrain § 87(2)(b) and handcuff his free arm to another belt loop on his pants. PO Doll was removed to § 87(2)(b) Hospital for evaluation; he did not sustain any injury and did not go line of duty.

As per PO Feratovic, the hospital staff handed the officers § 87(2)(b)’s personal items in a bag when he was discharged [BR 06]. To prepare § 87(2)(b) for discharge, PO Doll needed to remove the one currently securing § 87(2)(b) to the gurney and replace it with his own. Since § 87(2)(b) had a cast on one arm, PO Doll secured § 87(2)(b)’s free arm to the belt loop at the back of his pants. § 87(2)(b) was wearing hospital slip-on shoes and told the officers he wanted his sneakers. PO Doll informed § 87(2)(b) his personal items would be returned to him at the stationhouse, § 87(2)(b) demanded he wanted his shoes right then or he would not go anywhere. PO Doll told § 87(2)(b) to move and grabbed him by the upper right arm to escort him out of the hospital. § 87(2)(b) became angry and yanked his arm out from PO Doll’s grasp and stood in a “fighting stance” with both arms down by his sides, demanding his shoes. § 87(2)(b) had yanked his left arm free from the belt loop behind his back, and the cuff hung loosely from his left wrist. PO Doll took § 87(2)(b) down to the ground to restrain him by putting an arm around § 87(2)(b)’s back and pushing him down to the ground. PO Doll and § 87(2)(b) rolled around on the ground wrestling, and § 87(2)(b) put his arm around PO Doll in a chokehold. However, PO Feratovic could not articulate if § 87(2)(b)’s arm was around PO Doll’s upper chest or around his neck. PO Feratovic grabbed the handcuff chain with one hand and closed the loose handcuff with his other hand, to prevent anyone from being injured by the open cuff. PO Feratovic and PO Midy attempted to speak with § 87(2)(b) to try and calm him down. PO Midy told § 87(2)(b) he could have his shoes. PO Feratovic denied making any physical contact with § 87(2)(b) during the struggle. Once § 87(2)(b) put his shoes on, he was compliant with being escorted out of the hospital.

PO Midy watched as PO Doll and PO Feratovic prepared to escort § 87(2)(b) from the hospital [BR 11]. As PO Doll was handcuffing § 87(2)(b)’s free arm to the back of his belt, § 87(2)(b) complained he was uncomfortable with his arm like that and jerked his arm away from PO Doll. PO Doll grabbed § 87(2)(b)’s arm again and § 87(2)(b) complained he did not want to be handcuffed. After § 87(2)(b) jerked his arm away from PO Doll a second time, PO Doll grabbed MR. § 87(2)(b) by the arm and took him down to the ground. As PO Doll did this, § 87(2)(b) grabbed the front of PO Doll’s shirt by his collar and brought PO Doll down with him. While PO Doll was on top of § 87(2)(b) swung his casted arm at PO Doll, and with the elbow of his cast, struck PO Doll on the back of the head. § 87(2)(b) also used his free arm to wrap it around PO Doll’s neck, with the crook of his elbow in contact with the back of PO Doll’s neck. From there, § 87(2)(b) and PO Doll rolled to lie side by side, and then § 87(2)(b) was on top of PO Doll. PO Midy, PO Feratovic, and two other uniformed officers from an unknown command grabbed § 87(2)(b) to get him off of PO Doll. PO Midy grabbed § 87(2)(b) around the waist with both hands and lifted § 87(2)(b) up to stand. From there, PO Doll

